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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,165	05/04/2006	Korf Madsen Lasse	LASSE1PCT	4624
25889	7590	11/27/2007		
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			EXAMINER BASTIANELLI, JOHN	
			ART UNIT 3753	PAPER NUMBER
			MAIL DATE 11/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/578,165

**Applicant(s)**

LASSE, KORF MADSEN

**Examiner**

John Bastianelli

**Art Unit**

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/4/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because the examiner is not sure which abstract the applicant as three were submitted with two different wordings which are both unacceptable as to wording and length (See above). Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

5. Claims 3-5 are objected to because of the following informalities: In claims 3-4, regarding "the inner surfaces that are in contact with the seal element" is not cited previously in the claim and the examiner is requesting clarification as it appears applicant thinks it has already been cited and if the ring shaped depression that are beveled surround each individual flange or both flanges together. In claim 5, the examiner is not sure if the applicant means each tip of the flange is narrowed conically or the outer surface of both flanges viewed together narrow conically. The examiner has interpreted the claim both ways in the rejections below. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 1-5, 7, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Duncan US 3,737,144.

Nanz discloses a throttle flap valve having a ring-shaped, elastic seal element 5 that surrounds an axial opening, having a valve disk 1 disposed to rotate in the axial opening, crosswise to the axial direction, having means for turning 3 the valve disk between the open and the closed positions, to control a flow of fluid through the opening, having at least two valve housing parts 31 that surround the seal element in ring shape, which surround two flanges 21 and 28 connected with an inflow and an outflow, whereby conical contact surfaces of the flanges and/or the valve housing parts work together in such a manner that the flanges are pressed axially against the seal element, forming a seal, by means of the valve housing parts, in the assembled state ready for operation, wherein the flanges are rigidly connected with the valve housing parts, forming a positive lock, in each instance. The valve housing parts are two clamp halves, the inner surfaces of the clamp halves are in contact with the seal element have two ring shaped depressions that surround the flanges (seen as the inside corners of the clamp in Fig. 4) , and these depressions are beveled (as they are slanted). The flanges narrow conically toward the outside (Fig. 4). The valve housing parts have two ring shaped recess (see Figs. 5-6) for the disc shafts. The flanges are shaped to have rotation symmetry. The method of claim 11 is seen as practiced by the apparatus and also is product by process. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product in the prior art, the claim is unpatentable even though the prior product was made by a different process (see MPEP 2113). The valve is seen to be able to be made in this manner.

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8. Claims 1-2, 5, 7, and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Nanz et al. US 4,653,725.

Nanz discloses a throttle flap valve having a ring-shaped, elastic seal element 18 that surrounds an axial opening, having a valve disk 24 disposed to rotate in the axial opening, crosswise to the axial direction, having means for turning 60 the valve disk between the open and the closed positions, to control a flow of fluid through the opening, having at least two valve housing parts 34, 35 that surround the seal element in ring shape, which surround two flanges 14 connected with an inflow and an outflow, whereby conical contact surfaces of the flanges and/or the valve housing parts work together in such a manner that the flanges are pressed axially against the seal element, forming a seal, by means of the valve housing parts, in the assembled state ready for operation, wherein the flanges are rigidly connected with the valve housing parts, forming a positive lock, in each instance. The valve housing parts are two clamp halves. The flanges narrow conically toward the outside (when looked at in the direction of the hatching of the drawing in Fig. 2, they narrow conically). The valve housing parts have two ring shaped recess (see Fig. 1) for the disc shafts. The means for turning is an automatic setting element. The flanges are shaped to have rotation symmetry. The method of claim 11 is seen as practiced by the apparatus and also is product by process. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product in the prior art, the claim is unpatentable even though the prior product was made by a different process (see MPEP 2113). The valve is seen to be able to be made in this manner.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Alternatively, claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan US 3,737,144 in view of Adamek et al. US 5,080,400..

Duncan lacks the claim language of 3-5 if interpreted another way (see claim objections above).

Adamek discloses two ring shaped depressions (Figs. 1 and 2) that surround the flanges, these depressions are beveled, and the flanges narrow conically toward the outside. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the two ring shaped depressions that surround the flanges that are beveled and the flanges narrow conically toward the outside as disclosed by Adamek as the connection feature of Duncan in order to more securely hold the flanges to the valve housing parts.

11. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan US 3,737,144 in view of Holtgraver US 4,148,458.

Duncan discloses a screw 40 but lacks screws and nuts to connect the valve housing parts.

Holtgraver discloses screws and nuts (Fig. 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the screws and nuts as disclosed by Holtgraver as the connection feature of Duncan as a simple substitution of one known element for another. Duncan lacks a hand wheel. Holtgraver discloses a hand wheel (Fig. 3). It would have been obvious to one having ordinary skill in the art at the time the

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invention was made to use the hand wheel as disclosed by Holtgraver as the actuator of Duncan as a simple substitution of one known element for another.

12. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nanz et al. US 4,653,725 in view of Holtgraver US 4,148,458.

Nanz discloses a screw 38 but lacks screws and nuts to connect the valve housing parts.

Holtgraver discloses screws and nuts (Fig. 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the screws and nuts as disclosed by Holtgraver as the connection feature of Nanz as a simple substitution of one known element for another. Nanz lacks a hand wheel. Holtgraver discloses a hand wheel (Fig. 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the hand wheel as disclosed by Holtgraver as the actuator of Nanz as a simple substitution of one known element for another.

13. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan US 3,737,144 in view of Nanz et al. US 4,653,725.

Duncan lacks an automatic setting element. Nanz discloses an automatic setting element. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the automatic setting element as disclosed by Nanz as the actuator of Duncan as a simple substitution of one known element for another to be able to actuate the valve other than by hand.

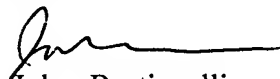
*Conclusion*

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kamezawa, Habicht, McLennan, Sheppard, Osthues, White, Frazier, Ahrens and Watts disclose throttle valves with seal elements and valve housing parts that connect flanges.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Bastianelli whose telephone number is (571) 272-4921. The examiner can normally be reached on M-Th (8-6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
John Bastianelli  
Primary Examiner  
Art Unit 3753



JB  
November 13, 2007